



A Regional Society of the Law Society of NSW

November - December 2007

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AN EVENING TO REMEMBER

WEDNESDAY 5 DECEMBER 2007

aboard

"S.S. SOUTH STEYNE" FLOATING RESTAURANT

Harbourside Jetty, Darling Harbour (West)

- An A.G.M to improve the City of Sydney Law Society
- A Dinner with the Extraordinary Criminal Lawyer and Judge Presic
Mental Health Review Tribunal, Chair of Forensic Mental Health Review
Committee

THE HON. JUSTICE GREG JAMES QC

- SPECIAL GUESTS
- ENTERTAINMENT WITH WIT
- PRIZES
- ATMOSPHERE TO RELAX IN

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THE ANNUAL GENERAL MEETING

AND SPECIAL CITY DINNER

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THE ANNUAL GENERAL MEETING 2007

at 5:30pm

Will include: -

- The presentation of important Constitutional Amendments, eg appointment of Life Memberships, voting changes etc
- Our 2007 Annual Report
- [Vote in the Elections](#)

The AGM will be followed by the

SPECIAL CITY DINNER

at 7pm for 7:30pm

AN EVENING TO REMEMBER

ALL WELCOME

RSVP: 4 Dec 2007 Dress: Lounge Suit COST: \$60 pp inclusive

SPECIAL VALUE - SPECIAL VENUE

[COMPLETE THE REGISTRATION FORM](#) **REGISTRATION FORM**

Please register me / us to attend the ANNUAL DINNER on Wednesday 5 December 2007

Cost: \$60-00 p/p (2 course meal and beverages)
Prices are inclusive of GST. A tax invoice/receipt will be sent to you.

I ATTACH A LIST OF NAMES OF ALL THOSE INCLUDED ON THIS REGISTRATION FORM
FOR THE ANNUAL DINNER

Payment method: (please complete and forward by fax or post) (tick one)

Visa Mastercard Bankcard Cheque (payable to City of Sydney Law Society)

I enclose payment of \$_____

Newsletter - September 2007

Credit card No: _____ Expires: ____ / ____

Cardholder name: _____

Cardholder signature: _____

Name: _____

Firm: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Please return this form with payment to :
City of Sydney Law Society, PO Box 1907 Sydney NSW 2001
Phone 9266 0012 Fax 9266 0062 email info@sydneycitylawyers.com.au

C O R P O R A T E



Special Offer Exclusively For City of Sydney Law Society Members:

Incorporate A Company With Us And You'll Receive A \$770 On The Spot Incorporation Presented In A Professionally Bound Corporate Register For Just \$530

There are heaps of reasons to have Corporate Express look after your company incorporations... We save you time and money on tedious compliance paperwork, and give you all the documentation your client needs, in one simple step.

But right now, for City of Sydney Law Society members, there's another great reason:

You can try our full-service Company Incorporation Process for the cost of a do-it-yourself, over the Internet Incorporation.

That's just \$530, plus you get all the documentation you normally miss out on when you Incorporate over the ASIC counter or over the internet. We'll put everything together for you and we'll deliver it to your desk in less than 24 hours.

Here's how it works...

Call our Incorporation Hotline on (02) 9261 2100. We'll fax or email you a simple form, and we'll make sure you've got all the details we need to complete your application. Fax or email back the form, and we do the rest...

You'll have your **ACN in 45 minutes** and your company minutes, registers and compliance info (in one of our famous binders) on your desk, ready to present to your client, when you need it.

That's it. All done with one 3-minute phone call. It's easy—it's the way it should be, because you've got better things to do than compliance paperwork.

Here's what to do right now:

Pick up the phone and call our Incorporation Hotline on (02) 9261 2100 and tell whoever answers you want the "City of Sydney Law Society Member's First Time Offer".

Then leave the rest to us.

Suite 506, Level 5, 267 Castlereagh Street, Sydney NSW 2000
admin@corporateexpress.com.au www.corporateexpress.com.au
Telephone: 9261-2100 Facsimile: 9283-2294



NEWSLETTER

CITY OF SYDNEY LAW SOCIETY

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Treasurer: Nea Goodman nea.goodman@community.nsw.gov.au

Secretary: Ken Harkness k.harkness@kmhc.com.au

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Email info@sydneycitylawyers.com.au

website: www.sydneycitylawyers.com.au

PRESIDENT'S MESSAGE

OUR COCKTAIL CELEBRATION

Held on 12 October 2007, this was a most enjoyable and very successful occasion with over 100 persons attending, including a significant number of Judges and Magistrates. We thank the Hon. Reg Blanch, Chief Judge of the District Court, His Hon. Graeme Henson, Chief Magistrate, His Hon. Helen Syme, Deputy Chief Magistrate and Mr C Smith Director of Court Services for their full support and encouragement. We are also very grateful to our Executive Officer Ann Paris and our Members for their efforts in making this evening memorable.

C.I.Ns

The C.I.Ns to police and Government proposals to impose "on the spot fines" for a range of criminal offences involving intention, was considered by the conference of Regional Law Society Presidents on 25 October 2007 and rejected unanimously. It recommended that the NSW Law Society oppose the proposal. The Bar Association has opposed these as has the community and the business group and the media generally, the Daily Telegraph labelling it as 'ridiculous' as police have provided no evidence of the success of C.I.Ns.

2007 - What A Year !

Our regional Law Society has had a very successful 2007 year with 30 Seminars/Forums, a Lunch Breakfast, a Cocktail Celebration, the establishment of our website, the attracting of new members, sponsorship, financial responsibility and AustLii supporting campaign - and more! Individual website approved and will be available next year.

Our **Annual General Meeting** is scheduled for **Wednesday 5 December 2007** with important constitutional Amendment to consider followed by a very special City Dinner with Justice Greig as Guest Speaker.

Join us on **Wednesday 5 December 2007** for an enjoyable finale.

CHRISTMAS

To all members, families and supporters, to all our excellent guest speakers and helpful staff, our Executive Officer and Committee Members may this Christmas season be a blessed and happy occasion - and I thank you each for making 2007 the success we had hoped.

With every best wish,
ANTHONY RESTUCCIA
President

OTHER EVENTS TO NOTE

NSW SOCIETY OF JEWISH JURISTS AND LAWYERS AND NSW FELLOWSHIP OF JEWISH SYMPOSIUM

"The Bare Bones - What do they Say?"

CORONIAL POST MORTEMES

Speakers: Assoc. Prof. Jo Dufluo and Graham Segal

END OF LIFE DECISIONS

Speaker: Assoc. Prof. Alastair Cameron

When: 9 December 2007

Where: NSW Council of Jewish Women, 111 Queen Street, Woollahra
Free to members RSVP: 7 December 2007 **email: jewishlawyers@gmail.com**

FOR YOUR INFORMATION

New forms of Legal Practice – watch the UK

The Legal Services Act, UK will allow new kinds of legal practice to be developed in which solicitors may join with other kinds of lawyers and non lawyers to form practices (legal disciplinary practices - LDPs). In the long term, alternative business structures (ABSs) will allow lawyers to go into multidisciplinary practices with other kinds of professionals and allow non lawyers to own firms and provide legal services. The changes were introduced by the UK Government to improve competition, flexibility, and choice for consumers. The Solicitors Regulation Authority (SRA) is to introduce changes that the public interest, and solicitor's clients are protected.

The Solicitors Regulation Authority (SRA) envisages changing the rules that apply to solicitors to allow for new forms of practice and to move towards regulating the firms through which solicitors practice. Each solicitor will remain individually accountable to the SRA for their own professional behavior. Find out more about this exciting developments – Online policy paper, background information at www.sra.org.uk

Matters of Interest from the Law Society of England & Wales

Recently published

Lasting powers of attorney – Practice Note: Legal Policy 24.9.2007 (32 Pages)

Conveyancing Handbook 14 Edition – September 2007 revised to reflect new rules of the Code of Conduct 2007. Principal rules affecting conveyancing explained in context of a transcript reproduced with Law Society guidance on Conveyancing matters. Covers new duties at first marketing a property, regulations re Home Information Packs and Energy Performance Certificate 2007. 79 .95 pounds ISBN 978 1 85328 603 2

Your clients – your business Client Care Guide – October, 2007

Refers to regulatory requirements and best practice in an easy to use format that highlights issues that may arise. Considers four main areas of client management from when a solicitor first meets a client through to matters that solicitors should consider for their client care letter and terms and conditions and how to deal effectively with complaints. (obtain from Practice Advice Dept (practiceadvice@lawsociety.org.uk

File Retention: Records Management – retention and wills, deeds and documents together with supporting data (Legal Police, LS of England & Wales) II September, 2007 – represents the Law Society's good practice. (13pages). Available from LS Shop, 113 Chancery Lane, London WC2A 1PL, 020 7320 5643

AUSTRALIAN ACADEMY OF LAW LAUNCH

On 17 July, 2007 the Academy was launched. The Constitution provides for it to be made up of members of exceptional distinction from the legal community, academic, practicing profession, judiciary together to advance the discipline of law by establishment of scholarships and research grants, promotion of legal professional standards, law reform and to enhance community understanding of the rule of law, role and function of lawyers and the judiciary. The Academy was originally proposed to the ALRC.

MOTOR ACCIDENTS GUIDELINES

New Guidelines for assessment of degree of permanent impairment for injured persons commenced on 1 October, 2007. The Guidelines are to be used in conjunction with the Guides to the Evaluation of Permanent Impairment American Medical Association, Fourth Edition, for the assessment of permanent impairment in the NSW Motor Accidents Scheme. The new guidelines include a provision for a new Lifetime Care and Support Scheme which came into effect for children under 16 on 1.10.2007 and for adults on 1.10.2007.

CASES OF INTEREST

Good Faith

CGU Workers Compensation (NSW) v Garcia [2007] NSWCA 193

NSW CA unanimously held a workers compensation insurer does not owe an injured worker a tortious or contractual duty to act in good faith. The Court of Appeal held a duty to act in good faith may be implied in to certain contracts. However a contract found in the statutory form of workers compensation policies, regulating the delivery of workers compensation and work related damages, is not of such a nature. The contract and scheme are regulated and compulsory, accordingly there is no room for a novel tort or to imply a contractual duty of act in good faith.

Personal Injury Advertising

Legal Services Commissioner v Malouf [2007] NSW ADT 215

Held guilty of professional misconduct in respect of five complaints. Fined \$20,000 and to pay costs.

application. Information under cl 139 Legal Profession Regulation 2002 aggravated by rea

- . profiting from conduct
- . persistent in the conduct
- . conduct occurring in a variety of media
- . delay in correcting offending material

In the publication, advertisement, display including on website www.gmp.net.au in breach o and 18 of the Workers Compensation Regulation 2003, through use of the prohibited words e Compensation Lawyers, personal injury news et al. In addition through display on Yellow Page advertisement on front page of Central Coast Express titled "Insurance Denied ?Negligence

Office of State Revenue - Changes

Issues in stamp duty and land tax, including NSW mortgage duty changes whcih commenc September 2007. Darren Nicholls, Manager Technical Education Unit OFR 9689 6138

Electronic Conveyancing - how soon ? what next? CHECK for latest update. conta www.necs.gov.au

Recent Developments in Valuation Law and Heritage valuations under the Valuation of the Heritage Act, 1977 and case update

C'th Custodial Services v VG of Sydney [2006] NSWLEC 775, Krisgay Pty Ltd v The VG NSWLEC 600 (Biscoe J)

LEADR

The Annual Report and Financial Accounts for 2007 are now available on the homepage <http://www.leadr.com.au>

NOTIFICATION

A. S. Brown, solicitor, has been appointed by the Law Society to be Manager of two law pra Pragma Legal Solicitors and M. D. Nikolaidis & Co. Mr Brown's number is 9926 0321. Mr Br advises that Mr D. J. N. Lemon, solicitor, has been appointed Manager of the law practice o Fieldhouse.



We are pleased to announce that LAWFUND has become a major sponsor for the City of Syc Society.

LAWFUND was originally founded in 1995 to help solicitors and their clients with finance. LAWFUND has over 1700 members across Australia and is part of the Firstfolio Group, a Australian company with a loan portfolio exceeding \$7 billion.

By becoming a member of LAWFUND your firm can provide additional financial services to yc

and you will receive upfront and ongoing revenue for providing finance from a choice of mortgage lenders and banks. LAWFUND can assist with residential, commercial and investment finance. As a member you will receive an ongoing, separate income stream. You have the opportunity to allocate a portion of the upfront payment received to your client.

Each client is looked after by a LAWFUND Lending Manager who is paid a flat rate which ensures we will always source the most relevant loan to your client's situation and your client receives better service than if they went to a branch.

LAWFUND operates on a full disclosure policy. During the loan process the client is made aware of the cost. The Member and LAWFUND are receiving a referral fee which is why the service is available at no cost.

One of LAWFUND's new services....

LAWFUND Professional Fee Plan (PFP)

LAWFUND PFP reduces debtors and saves your time and resources devoted to chasing payments. Smoothing our legal costs, a controlled known regular costs is better to manage than a large payment that may not have been budgeted for by your client for your services. Via a secure process your firm can secure funding contracts up to \$100,000 per invoice. Your client signs a simple agreement as well as your fee fax invoice and send them both to LAWFUND. LAWFUND deposits funds directly into your account. It costs nothing to establish and operate a LAWFUND PFP.

LAWFUND. Flexible. Lending Professionals.

CALL **LAWFUND** on **(02) 9240 8900** TO SPEAK WITH A BUSINESS DEVELOPMENT MANAGER

Support our Sponsor

LAWFUND PTY LTD
Help fund finance for clients
www.lawfund.com.au

REMEMBER

Small Firms are the backbone of the Law Society

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URGENT

Downing Centre Local Court. Pro Bono Duty Solicitor Roster
Solicitors are invited to join the Roster and attend once a month.

Inquiries: Anthony Restuccia Tel 0419 698 753 / Fax 9439 5914

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**Your Regional Law Society serves you,
Support your Regional Law Society**

Email us your ideas and opinions
Attend our functions

Invite others to join us

Come to our Annual Dinner on 5 December 2007

Support our Sponsor

CORPORATE EXPRESS for incorporating compa

special discounts for members

www.corporateexpress.com.au

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